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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 CITIBANK, N.A.,

8 Plaintiff(s),

9 v.

10 RANCHO LAS BRISAS MASTER
11 HOMEOWNERS ASSOCIATION, et al.,

12 Defendant(s).

Case No. 2:18-CV-765 JCM (NJK)

ORDER

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14 Presently before the court is the matter of *Citibank, N.A. v. Rancho Las Brisas Master*
15 *Homeowners Association, et al.*, case number 2:18-cv-00765-JCM-NJK. On February 25, 2020,
16 cross-claimant SFR Investments Pool 1, LLC (“SFR”) filed a notice of voluntary dismissal.
17 (ECF No. 51). Federal Rule of Civil Procedure 41(a) provides as follows:

18 (1) By the Plaintiff.

19 (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2,
20 and 66 and any applicable federal statute, the plaintiff may dismiss
an action without a court order by filing:

21 (i) a notice of dismissal **before the opposing party serves**
either an answer or a motion for summary judgment; or

22 (ii) a stipulation of dismissal signed by all parties who have
23 appeared.

24 (B) Effect. Unless the notice or stipulation states otherwise, the
25 dismissal is without prejudice. But if the plaintiff previously
26 dismissed any federal- or state-court action based on or including
the same claim, a notice of dismissal operates as an adjudication on
the merits.

27 (2) By Court Order; Effect. Except as provided in Rule 41(a)(1), an
28 action may be dismissed at the plaintiff's request only by court
order, on terms that the court considers proper. If a defendant has
pleaded a counterclaim before being served with the plaintiff's

1 motion to dismiss, the action may be dismissed over the
2 defendant's objection only if the counterclaim can remain pending
3 for independent adjudication. Unless the order states otherwise, a
dismissal under this paragraph (2) is without prejudice.

4 Fed. R. Civ. P. 41(a).

5 SFR purports to dismiss its crossclaims against Negasi Habtezion Gerezgiher and Saba
6 W. Haile ("cross-defendants"). (ECF No. 51). However, cross-defendants each filed an answer,
7 so Fed. R. Civ. P. 41(a)(1) does not apply here. (ECF Nos. 44; 45). Both cross-defendants
8 indicate in their answer that they filed bankruptcy and no longer have any claim to the property.
9 (ECF Nos. 44; 45).

10 Consequently, the court finds that dismissal of SFR's crossclaims without prejudice is
11 appropriate pursuant to Fed. R. Civ. P. 41(a)(2).

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that SFR's crossclaims be,
14 and the same hereby is, DISMISSED without prejudice.

15 DATED February 26, 2020.

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UNITED STATES DISTRICT JUDGE